

REMARKS

In accordance with the foregoing, claims 10 and 11 have been cancelled and claims 9 and 13-18 amended. Claims 9 and 12-18 are pending and under consideration.

The Examiner is requested to review and acknowledge consideration of the references filed with an Information Disclosure Statement on February 25, 2009

The Examiner continues to rely primarily upon US Patent Publication No. 2003/027570 to Yang et al. This reference describes a problem in that when a mobile unit roams, all call requests from a calling party to the called mobile unit are first routed through the home MSC of the called mobile unit. This happens even when the calling party is in close proximity to the called mobile unit and the home MSC is a far distance from the roaming/called mobile unit. See paragraph [0004]. To address this problem, Yang et al. proposes that a serving (local) MSC 150 initiate backward signaling to a switch 120 to set up a second voice channel that does not traverse the home MSC 140. See abstract. Specifically, the local MSC signals back to the switch of the calling party to initiate optimized routing. Backwards signaling is not described in any detail in the reference. However, backwards signaling results in a release of a first voice channel established with the home MSC.

Applicants believe the invention is very different from what is disclosed in Yang et al. Independent claims 9, 17 and 18 contain similar, but somewhat different limitations. Independent claim 9 is discussed specifically below.

Claim 9 refers to backward signaling of a transmission service. In Yang et al., there is backward signaling of routing information. Claim 9 refers to backward signaling of a transmission service to be used. In Yang et al., the transmission service is already in use.

Claim 9 refers to setting up a call from a telecommunication network. Claim 9 further indicates the call setup is not completed until after the Integrated Services Digital Network (ISUP)-compliant (ISDN-BC) information element is transported to the access mobile switching center. Antecedent support for call setup not being completed until after the ISDN User Part (ISUP)-compliant information element has been transported to the access mobile switching center can be found throughout the application. For example, the claims originally referred to a method of backward-signaling of a transmission service used for setting up a call. In Yang et al., call setup is completed before the backwards signaling. That is, a voice channel is established before the Yang et al. method occurs.

Claim 9 refers to sending an initial Bearer Capability from the destination mobile switching center and revising the initial Bearer Capability to determine a revised Bearer Capability. Antecedent support for the initial Bearer Capability and the revised Bearer Capability can be found, for example, in paragraph [0025], which describes:

If possible, the destination mobile switching center 2 produces a mobile-radio-specific Bearer Capability information element PLMN-BC. Methods and obstacles in this regard have already been described above. The destination mobile switching center 2 then sends a setup or installation message, possibly containing a PLMN-BC, to the mobile station 4. The mobile station 4 can modify the PLMN-BC received according to defined rules or must generate and provide a complete PLMN-BC if the destination mobile switching center 2 was not able to produce a PLMN-BC.

In Yang et al., there is no mention of sending the Bearer Capability, determining a revised Bearer Capability or negotiating information describing the transmission service to be used. In fact, Yang et al. makes no mention at all of Bearer Capability. Enclosed is an excerpt from 3GPP TS 24.008. "Bearer Capability" is a term known in the art having a specific definition and should not be ignored.

Claim 9 refers to converting the revised Bearer Capability into an integrated services digital network user part (ISUP)-compliant information element and transporting the ISUP information element to the access mobile switching center. When two networks are not fully compliant, the access mobile switching center may not have sufficient information describing the transmission service to be used. In this case, without the invention, the access mobile switching center may be unable to provide sufficient resources for the transmission service. Alternatively, the access mobile switching center may allow the transmission service even though the transmission service is not approved for the mobile terminal. The backwards signaling disclosed in Yang et al. sends routing information and has nothing to do with the claimed feature.

Claim 9 refers to the telecommunication network being an ISDN, a PSTN or a PLMN. Yang et al. refers only to a roaming mobile unit, a home MSC and a serving MSC.

It should be clear that almost every claimed feature is different from Yang et al. and that the reference is unrelated to the invention. The other references cited by the Examiner do not compensate for the deficiencies in Yang et al. Accordingly, the prior art rejections should be withdrawn.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Serial No. 10/575,237

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Aug 26 2009

By: Mark J. Henry
Mark J. Henry
Registration No. 36,162

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501